

# In the Supreme Court of the State of Alaska

<b>Raymond Leahy,</b>	)	
	)	Supreme Court No. <b>S-16866</b>
Appellant,	)	
v.	)	<b>Order</b>
	)	Strike Brief
<b>John Conant, James Duncan,</b>	)	
	)	
Appellees.	)	Date of Order: <b>11/21/18</b>
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Trial Court Case No. <b>3AN-14-11007CI</b>		

On consideration of the appellees' 10/25/18 motion to strike certain portions of the appellant's 10/17/18 reply brief, and the appellant's 11/14/18 opposition,

**IT IS ORDERED:** the motion is **GRANTED IN PART** as follows. The record on appeal includes the documents in the trial court file. "Except as otherwise ordered by the appellate court, the record does not include documents or exhibits filed after... the filing date of the notice of appeal." Alaska R. App. Pro. 210(a). This appeal was filed on November 17, 2017 from a trial court judgment dated September 26, 2017. It asks us to decide whether summary judgment was properly granted based upon the facts that were before the trial court when it made its decision. The reply brief refers to facts that happened after that time. Accordingly numbered paragraphs 1-21 on pages 1-6 of the reply brief, and numbered paragraph 2 on page 21 of the reply brief, are stricken. The exhibits appended to the appellant's reply brief at pages 24-34 are also stricken.

The appellant shall have until **12/3/2018** to file a corrected brief.

Entered by direction of an individual justice.

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Clerk of the Appellate Courts

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W. Kyle Roberts, Deputy Clerk

cc: Supreme Court Justices

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